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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,638	03/19/2004	James Marion Vau	120742	7745
7590	09/29/2006			
James P. Davidson, Esq. 8375 Ashmont Way Mason, OH 45040			EXAMINER EVANS, GEOFFREY S	
			ART UNIT 1725	PAPER NUMBER
DATE MAILED: 09/29/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/804,638

Applicant(s)

VAU ET AL.

Examiner

Geoffrey S. Evans

Art Unit

1725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,13-15,21,22 is/are rejected.
- 7) ☒ Claim(s) 3-12 and 17-20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 20040319.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application
- ☐ Other: ____.

DETAILED ACTION

1. The disclosure is objected to because of the following informalities: On page 7 the last line states in part "28 (see Fig. 4)". But element 28 is not identified in figure 4.

Please clarify.

Appropriate correction is required.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1,2,13,14,15,21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krenz in U.S. Patent No. 6,369,343 in view of Inoue in Japan Patent No. 60-259,319. Krenz has a work station(element 12) for electric discharge machining with a first mechanism for retaining a workpiece in a predetermined position (e.g. see element 20, column 2, line 49) and an electrode (element 48, see column 3, line 37) for

forming a feature. Inoue teaches using a second mechanism (elements 35,36,34 in figure 3) to automatically align the electrode with the workpiece, the second mechanism is configured so that the electrode is electrically insulated from the workpiece (see figures 2 and 3). It would have been obvious to adapt Krenz in view of Inoue to provide this to align the electrode with the desired position on the workpiece. Regarding claims 14 and 15, Krenz discloses a second electrode for machining on the opposite side for machining the workpiece. It would have been obvious to adapt Krenz in view of Inoue to provide a third mechanism identical to the second mechanism to properly machine features on both sides of the workpiece. Regarding claim 22, Krenz discloses loading the workpiece (see column 4, lines 47-48).

5. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Krenz in view of Inoue (319) as applied to claim 1 above, and further in view of Brynes et al. in U.S. Patent No. 6,844,515. Brynes et al. teach a base portion (element 48) for supporting the workpiece and a housing (element 100) for aligning the workpiece with at least one locator member (element 104). It would have been obvious to adapt Krenz in view of Inoue and Brynes et al. to provide this to properly align the workpiece.

6. Claims 3-12, 17-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Andrews in U.S. Patent No. 3,981,786 has an electrode guide (element 36) that has a notch (element 41) that contacts the workpiece. Obata in Japan


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Patent No. 9-108,943 has a workpiece (element 17) and a first mechanism (element 16) that contacts a second mechanism (element 23) for aligning the electrode (element 18). Hijikata in Japan Patent No. 2-243,223 and Futamura in Japan Patent No. 8-118,157 have guides for electrodes used in machining. Trujillo in U.S. Patent No. 4,792,654 uses mechanisms (elements 20,32) to align a stationary electrode (16) with a moving workpiece (element 34).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey S Evans whose telephone number is (571)-272-1174. The examiner can normally be reached on Mon-Fri 6:30AM to 4:00 PM, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pat Ryan can be reached on (571)-272-1292. The fax phone number for the organization where this application or proceeding is assigned is (703)-872-9306.

GSE


Geoffrey S. Evans
Primary Examiner
Group 1700